

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAN BYRNE,

Plaintiff,

v.

**ALABAMA ALCOHOLIC
BEVERAGE CONTROL BOARD,
and EMORY FOLMAR, in his
individual and official capacity,**

Defendants.

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Civil Case No. 2:06-CV-1084-WKW

**UNOPPOSED MOTION OF DEFENDANTS FOR TIME EXTENSION
TO RESPOND TO SECOND AMENDED COMPLAINT**

COMES NOW the Defendants, Alabama Alcoholic Beverage Control Board and Emory Folmar, and move the Court for an extension of seven (7) days within which to file their Answer/Motions in response to the Second Amended Complaint and as grounds, assign the following:

1. The Defendant Emory Folmar has previously filed, in this action, a Motion To Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted Or, In The Alternative, For A More Definite Statement. (Doc. 4). On March 12, 2008, this Court denied Folmar's Motion to Dismiss without prejudice but granted the Motion for a More Definite Statement. (Doc. 19). The Court directed the Plaintiff to file her Second Amended Complaint on or before March 31, 2008 and directed that

the Defendants file their Amended Answer within ten days thereafter.

2. On March 31, 2008, Plaintiff filed her Second Amended Complaint. Defendants' response to the Second Amended Complaint will be due on or before April 10, 2008.

3. The Second Amended Complaint does not correct the deficiencies in the First Amended Complaint and the Defendants intend to file a Motion to Dismiss/Motion For More Definite Statement challenging the legal sufficiency of the claims in the Amended Complaint. In order to properly brief the issues to be raised in the Defendants' motion, the Defendants seek an extension of seven (7) days within which to file their Motions, Answers and supporting brief.

4. Counsel for the Plaintiff has advised that the Plaintiff does not oppose the requested time extension.

WHEREFORE, the Defendants respectfully move the Court for an extension of seven (7) days within which to file their Answers/Motions in response to the Plaintiff's Second Amended Complaint.

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Attorneys for Defendants Alabama
Alcoholic Beverage Control Board
and Emory Folmar

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of April, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record and I hereby certify that I have mailed, by United States Postal Service, the foregoing document to the following:

Jay Lewis
Fred Clements
Law Offices of Jay Lewis, LLC
Post Office Box 5059
Montgomery, Alabama 36103

s/Robert A. Huffaker